

TERMS AND CONDITIONS FOR INVESTIGATIVE AGENCY USE OF THE MASSACHUSETTS PRESCRIPTION AWARENESS TOOL (MASSPAT)

By logging in to and using the Massachusetts Prescription Awareness Tool (MassPAT), you agree to abide by the requirements governing the Prescription Monitoring Program at 105 CMR 700.012 and any other applicable requirements and acknowledge that:

- 1) You are a duly authorized representative of one of the following entities:
 - a) Office of the Attorney General of Massachusetts
 - b) Massachusetts State Police Diversion Investigative Unit
 - c) United States Drug Enforcement Administration
 - d) Massachusetts Executive Office of Health and Human Services
 - e) Massachusetts Board of Registration in Medicine
 - f) Massachusetts Board of Registration in Dentistry
 - g) Massachusetts Board of Registration in Nursing
 - h) Massachusetts Board of Registration in Pharmacy
 - i) Massachusetts Board of Registration of Physician Assistants
 - j) Massachusetts Board of Registration in Podiatry
 - k) Massachusetts Department of Public Health, Drug Control Program
- 2) You are duly authorized, in writing, by the Massachusetts Department of Public Health (DPH or Department), Office of Prescription Monitoring and Drug Control, to request and receive reports from MassPAT. You must promptly notify the Department of any change or proposed change in authorization information or status.
- 3) You have completed in-person training from the Department on use of MassPAT.
- 4) You are duly enrolled to use MassPAT and that you have not provided nor will provide your login credentials (i.e., username, password, Personal Identification Number or any other security information) to anyone else. You are responsible for promptly notifying the Department of any compromise of your login credentials or changes to your enrollment information (e.g., changes to name, business or email address, badge number).
- 5) You are acting in accordance with official duties and at least one of the following applies to your MassPAT search:
 - a) parts (1)(a) – (1)(c), you are conducting a *bona fide* criminal investigation or prosecution of a specific controlled substances-related criminal violation by a prescriber, pharmacy or patient;
 - b) part (1)(d), you are acting for the purpose of identifying suspected specific controlled substances-related fraud or abuse of the MassHealth program by a prescriber, pharmacy or patient;
 - c) part (1)(e), you are conducting a *bona fide*, specific controlled substances-related investigation of a licensed physician or licensed prescriber supervised by a licensed physician; or
 - d) parts (1)(f) – (1)(k), you are conducting a *bona fide*, specific controlled substances-related investigation of a licensee or registrant.
- 6) You understand that use of MassPAT is restricted to obtaining information in support of an already open and ongoing, specific controlled substances-related investigation. You

understand that you may use MassPAT to supplement information or evidence based on an already existing allegation or previously registered complaint concerning a matter as delineated in no. 5, above, and as appropriate to agency authority. You understand that you are not allowed to use MassPAT as part of a routine inspection, for general screening, to determine if a new investigation should be initiated, nor in any other manner that is not in support of an already open and ongoing investigation as herein described.

- 7) You understand that in order to be valid, you must provide the official agency case number for the specific investigation on which the information request is based.
- 8) You understand that you may use or disclose information obtained from MassPAT, including reports generated from the system, only as permitted by applicable state and federal laws governing investigative information and confidentiality and security of personal/patient information, including the Massachusetts Fair Information Practices Act (FIPA, M.G.L. c. 66A) and, if applicable, the Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA). Improper use of MassPAT in violation of applicable laws may result in attachment of penalties, as described in said laws.
- 9) You understand that you must promptly notify the Department of any potential violation of confidentiality or use of the data in a manner contrary to the regulations or applicable professional standards.
- 10) You acknowledge that your use of MassPAT is recorded and monitored and that your right to use the system may be revoked at any time at the discretion of the Department.
- 11) The Department may revise these Terms and Conditions from time to time. You will be notified of any change and your continued use of MassPAT after such notice shall constitute your acceptance of the new Terms and Conditions.

Revised: 8/18/16